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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

BRASE, S

ART UNIT

PAPER NUMBER

2852

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/733,421

Applicant(s)
HAINES

Examiner
Sandra L. Brase

Art Unit
2852



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

Art Unit: 2852

Claim Rejections - 35 USC § 112

Claims 5, 12 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 5 of claim 5, on line 7 of claim 12, and on line 6 of claim 19, “and” could be inserted before the word “low”.

On lines 5-6 of claim 5, on lines 7-8 of claim 12, and on lines 6-7 of claim 19, the phrase “low or ‘out of’ status for other consumables or need for other maintenance items” is indefinite since it is unclear as to what is included by the terms “other consumables” and “other maintenance items”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2852

Claims 1, 3-6, 8, 10-13, 15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawada et al. (US 5,715,496).

Sawada et al. (...496) disclose a method and apparatus of scheduling an event with respect to a hard copy output engine including: detecting a status of a portion of the hard copy output engine from a sensor, coupled to the portion, that detects and provides the status of the portion; composing an electronic message including the detected status; and transmitting the electronic message to a scheduling engine (col. 3, lines 38-54). A future need for preventive maintenance is detected (abstract; and col. 3, lines 49-65). The electronic message includes malfunction and preventive maintenance items, and the detected status includes preventive maintenance alerts (col. 6, lines 25-44). The hard copy output engine can be a facsimile machine, a photocopier, or a printer (col. 10, lines 64-67).

Claims 1, 2, 4-9, 11-16 and 18-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Ohtani (US 6,108,099).

Ohtani (...099) discloses a method and apparatus of scheduling an event with respect to a hard copy output engine including: detecting a status of a portion of the hard copy output engine from a sensor, coupled to the portion, that detects and provides the status of the portion (col. 4, lines 28-33); composing an electronic message including the detected status (figures 5-8); and transmitting the electronic message to a scheduling engine (figure 5). A toner out is detected (col. 4, lines 28-29; and col. 7, lines 1-2). The electronic message includes: a toner out (col. 7, lines

Art Unit: 2852

31-33), paper out (col. 6, lines 21-23), date sent (col. 10, lines 10-14; col. 6, lines 51-55 and figures 6-8); addressee (col. 10, lines 10-14; col. 6, lines 51-55 and figures 6-8); consumable order (col. 6, lines 27-36; col. 7, lines 37-40; figures 60-63); and malfunction (col. 6, lines 60-63). The detected status includes: toner out (col. 4, lines 28-29; and col. 7, lines 1-2); and paper out (col. 4, lines 31-33; and col. 5, line 60). The hard copy output engine can be a facsimile machine, a photocopier, or a printer (col. 2, lines 57-62).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lobiondo (US 5,287,194), Takano et al. (US 5,335,048), Yamashita et al. (US 5,343,276), Yamashita et al. (US 5,752,125) and Tomidokoro (US 6,023,593) discloses a hard copy output engine which composes and transmits an electronic message to another device.

Contacts \ Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-0725.

Art Unit: 2852

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script, appearing to read "Sandra Brase".

Sandra Brase
Primary Examiner

October 3, 2001